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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA

MONROE DIVISION

LACY KING, ET AL.

CIVIL ACTION NO. 07-0625

VERSUS

JUDGE ROBERT G. JAMES

DR. DONALD PERRY, ET AL.

MAG. JUDGE KAREN L. HAYES

RULING

Before the Court is Defendants Louisiana Patients Compensation Fund and Louisiana Patients Compensation Fund Oversight Board's (collectively "the Fund") Motion in Limine [Doc. No. 108]. The Fund seeks "the exclusion of all evidence regarding the propriety of Dr. Donald Perry's ("Dr. Perry") actions, other than, whether Dr. Perry committed medical malpractice, on January 2, 2001[,] by prescribing Coprofen." *Id.*

On June 12, 2009, the Fund filed a Motion for Summary Judgment [Doc. No. 87] on the medical malpractice claims of Plaintiffs Lacy King, Teresa Bell, Ricky Diggs, Stephanie Diggs, Melinda Diggs Harris, Melissa Diggs, and Tomekia Diggs' (collectively "Plaintiffs"). On July 17, 2009, the Motion was denied in part with respect to Dr. Perry's January 2, 2001 actions. [Doc. Nos. 101 & 102].

The Fund asserts that the Court's July 17, 2009 Ruling establishes that all Plaintiffs' claims are dismissed except those related to Dr. Perry's prescribing Coprofen on January 2, 2001.

The Fund's interpretation of the Ruling is incorrect. The Court's Ruling and Judgment specifically denied summary judgment for the actions of Dr. Perry on January 2, 2001. [Doc. Nos. 101 & 102]. The Ruling did not foreclose Plaintiffs from presenting evidence of other acts or failures to act on January 2, 2001, unrelated to Dr. Perry's prescribing Coprofen.

The Fund's Motion in Limine to exclude "all evidence regarding the propriety of Dr. Perry's actions, other than, whether Dr. Perry committed medical malpractice, on January 2, 2001, by prescribing Coprofen," is DENIED.

MONROE, LOUISIANA, this 15 day of September, 2009.



ROBERT G. JAMES
UNITED STATES DISTRICT JUDGE